

Amendment to BACK SUPPORT SYSTEM
Robert Felton et al., inventor
Serial No. 09/867,376
Filed May 30, 2001
Page 5 of 13

REMARKS/ARGUMENTS

Claims 1, 2, and 4-11 remain in this application. Claims 3 and 12 have been cancelled. Claims 1, 9 and 10 have been amended.

It is believed by applicant that the objection to the Information Disclosure Statement that was filed in conjunction with this application was by reason that the documents on Form 1449 were not listed in detail. Enclosed is a new Form 1449 which lists the documents in greater detail. At the time of filing the subject application, a Form 1449A was submitted which referred to the five documents that were submitted defined generally as the Jay Fit System. It is believed that the submission of this Information Disclosure Statement with the previously submitted Form 1449A complied with the requirements of submitting an Information Disclosure Statement so that no additional fee is required. The references that were submitted in the Information Disclosure Statement are not any better than the references which have been cited by the Examiner, and it is believed that there is no structure in this Information Disclosure Statement that were not shown or described within the references cited by the Examiner. Therefore, to have the references in this Information Disclosure Statement considered is believed to not add anything

over and above than what has been cited by the Examiner. Applicant would prefer to have this Information Disclosure Statement considered, but if it is required that an additional fee be submitted, it is applicant's desire to just merely have the Information Disclosure Statement to be contained within the file with these references not being considered.

Claims 1, 2, 4-6 and 8-10 have been rejected under 35 U.S.C. §102(b) as being anticipated by the reference to Andres, et al. This rejection is respectfully traversed.

According to the rules, any rejection under §102(b) requires that the cited reference show and disclose every claimed feature within the rejected claims. Independent Claim 1 has defined that there is a base having a longitudinal mid-axis with there being an inflatable bladder assembly mounted on the base with each bladder being spaced from the mid-axis so no force from a bladder would be applied directly to a user's spine. This type of structural arrangement is desirable because the structure of the present invention is designed principally for abnormal anatomy which causes chronic back pain. The abnormal anatomy is specifically orthopedic abnormalities. Back pain is directly related to pressure in discs of the spine. A back support system that applies pressure to the spine increases this pain. The structure of this invention is designed to be used all day long by

the user, not just occasionally. To make sure that no pressure is applied to the spine is an exceedingly important feature. It is for this reason that the structure of the present invention has been designed so that the bladders are spaced from the mid-axis with this mid-axis to be located in alignment with the user's spine. No such spacing of a bladder assembly away from a mid-axis is shown or suggested in Andres, et al. Therefore, it is believed that the application of Andres, et al., under §102(b) is not appropriate and that this rejection should be withdrawn.

It is to be noted that the Examiner in paragraph 8 stated that Andres, et al. does not teach the tilt bladder assembly. The Examiner has rejected Claim 9 under this rejection under §102(b). Claim 9 is specifically directed to the tilt bladder assembly included of the subject application. How can the Examiner admit that Andres, et al. doesn't have a tilt bladder assembly and then also reject a Claim that specifically defines a tilt bladder assembly on the basis of it being anticipated by Andres, et al.?

It is respectfully requested that if the Examiner applies a new rejection, such as a rejection under 35 U.S.C. §103, to independent Claim 1 and its respective dependent claims, it would be appreciated if the Examiner would not make this rejection final so that applicant would at least be able to consider

amending of the claims and submitting of appropriate arguments in response and not be under the burden of a final action.

Claims 8 and 10 are directed to the defining that each bolster is connected by a hinge axis to the rigid base. This hinge action is defined as being parallel to the mid-axis. It is agreed that in the applied reference of Andres, et al. that the bolsters are swivelable. However, there is no hinge axis within Andres, et al. and nor is there any hinge axis connected to a rigid base. Also, in Claim 10 each bolster is defined as being connected by a hinge to a side edge of the main section. There is no such hinge or hinge axis within Andres, et al., and it is for this reason that the structure defined within Claims 8 and 10 is believed to constitute patentably distinctive subject matter over that of Andres et al. and that these claims should be allowed.

Claims 7 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Andres et al. in view of Neale. It is agreed that basically the structure of the tilt bladder assembly is shown by the structure of Neale. However, since these claims depend from independent Claim 1 and independent Claim 10, it is believed that these claims will be allowed upon Claims 1 and 10 being allowed since Claims 7 and 11 define an aspect of the structure of the present invention in a more definitive manner.

The citing of the additional prior art that has been

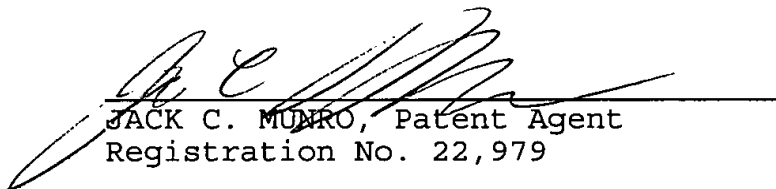
Amendment to BACK SUPPORT SYSTEM
Robert Felton et al., inventor
Serial No. 09/867,376
Filed May 30, 2001
Page 9 of 13

made of record and not relied on is noted as being of interest.

In view of the foregoing amendments to the claims and arguments presented herein, it is believed that the claims as now submitted clearly define allowable subject matter over the references of record. It is courteously requested that this application be reconsidered, such reconsideration being favorable resulting in passing of this application to issue.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to account No. 13-4899.

Respectfully submitted,



JACK C. MUNRO, Patent Agent
Registration No. 22,979

28720 Roadside Drive - Suite 225
Agoura Hills, CA 91301
phone: (818) 991-1687
fax: (818) 889-0116

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

Paragraph beginning at line 1 of page 11 has been amended as follows:

-- with it being understood that the spine is in alignment with the mid-axis 98. The middle lumbar bladders 64 and 66 are shaped specifically to apply pressure primarily to the [spine of] scapula muscle, rhomboideus major muscle and the serratus posterior superior muscle. The lower lumbar bladders 70 and 72 are each specifically shaped to apply pressure primarily to the thoracolumbar fascia, spinalis thoracis, erector spinae muscle, longissimus thoracis, iliocostalis lumborum, latissimus dorsi, trapezius and serrated posterior inferior oblique muscle.--

Paragraph beginning at line 14 of page 17 has been amended as follows:

--In summary, the user, when utilizing the back support system 10 of this invention, has the capability of changing the overall tilt of the back support system 10 and also has the option of increasing or decreasing lateral support by moving of the right bolster plate 94 or the left bolster plate 104. Additionally, the user has the capability of applying increased pressure to the lower lumbar region through bladders 70 and 72, through the middle lumbar

region through bladders 62, 64, 66 and 68 or the upper lumbar region through bladders 54, 56, 58 and 60. The back support system is designed to be constructed in any convenient size with typical sizes being twelve inches, fourteen inches, sixteen inches, eighteen inches, twenty inches, twenty-two inches, twenty-four inches, twenty-[sic] six inches, twenty-eight inches and thirty inches.--

In the Claims:

Claims 3 and 12 have been canceled.

Claims 1, 9 and 10 have been amended as follows:

1. (Amended) A back support system comprising:

a rigid base having a front surface and a rear surface, said rear surface adapted to be positioned as a back of a chair, a user's body is to be located against said front surface, said base having a longitudinal mid-axis which is adapted to be located in alignment with a user's spine;

an inflatable bladder assembly mounted in part on said front surface, said inflatable bladder assembly including several sets of bladders, each said set comprising at least two in number of inflatable bladders, each said bladder being spaced from said mid-axis so no force from a said bladder would be applied directly to a user's spine; and

means for controlling the inflation of said inflatable bladder assembly, said means being manually operable by a user.

9. (Amended) The back support system as defined in Claim 1 wherein:

said base comprising a fixed plate and a movable plate which are hingedly connected together at one edge forming a transverse axis, a tilt bladder located between said fixed plate and said movable plate, inflation of said tilt bladder causes [one of] said movable plate to pivot relative to said fixed plate thereby varying the angular position of said back support system which is to provide back support for a human user.

10. (Amended) A back support system comprising:

a main section adapted to be located against the back of a human user, said main section having a front surface and a rear surface, said front surface adapted to be positioned as a back of a chair, said main section having a longitudinal mid-axis adapted to extend from a user's lower lumbar area to a user's upper lumbar area;

a frontal inflatable bladder assembly mounted in part on said front surface, said frontal inflatable bladder assembly including several sets of frontal bladders;

a pair of bolsters [hingedly] attached to said main

section, each said bolster being attached by a hinge to a side edge of said main section forming a hinge axis for each said bolster with there being a separate said hinge axis for each said bolster, each said hinge axis being substantially parallel to said mid-axis whereby each said bolster being movable relative to said main section about its respective said hinge axis by means of a bolster bladder with there being a separate bolster bladder for each said bolster, moving of each said bolster is to provide lateral support to a back of a user, a portion of said frontal bladder assembly being mounted on each said bolster; and

means for controlling the inflation of said frontal inflatable bladder assembly and said bolster bladders, said means being manually operable by a user.